REMARKS

Claims 1-16, 28-29, 35-45 and 47-54 are pending in the present application. By this amendment Claims 1 and 28 have been amended; and Claims 17-27 and 30-34 have been canceled. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and following remarks.

I. Formal Matters:

Telephone Interview

Applicants wish to thank Examiner Grayson and Examiner Calvert for the courtesies extended to Applicants during a April 9, 2003 telephone interview with Applicants' representative and one of the inventors. During the interview, questions regarding the Final Office Action were answered and differences regarding the present invention and the prior art of record were discussed.

Allowable Subject Matter

Applicants wish to thank Examiner Grayson for indicating that Claims 14-15 and 53-54 would be allowable if rewritten in independent form. As Claim 14 was rejected and as Claim 16 corresponds to Claim 54, it is presumed that Claims 15-16 and 53-54 should have been indicated as allowable and Applicants have acted accordingly. Applicants have already rewritten Claims 15-16 and 53-54 in independent form. Accordingly, it is respectfully submitted that these claims are now allowable.

II. Prior Art Rejections:

Rejections under 35 U.S.C. § 102(b)

Claims 1-3, 6 and 8-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 3,901,236 to Assarsson et al. (hereafter "Assarsson"). This rejection is respectfully traversed.

Claim 1 is directed to, *inter alia*, a web comprising superabsorbent material and fibers wherein at least some of the fibers are coated onto the superabsorbent material prior to formation of the web, the web is formed while the superabsorbent material contains a liquid that it has absorbed, and at least some of the liquid absorbed in the superabsorbent material is removed after formation of the web and wherein the web comprises a superabsorbent material content of at least about 60% by dry weight and the web experiences a web loss of less than about 9% when subjected to a Shakeout Test.

Claim 28 is directed to, *inter alia*, a web comprising fibers and superabsorbent material, wherein the web comprises a superabsorbent material content of at least about 90% by dry weight and the web experiences a web loss of less than about 5% when subjected to a Shakeout Test. Claim 35 is directed to, *inter alia*, a web comprising fibers and superabsorbent material wherein the web loss experienced by the web when subjected to a Shakeout Test is not a monotone nondecreasing function of the concentration of superabsorbent material in the web. Claim 37 is directed to, *inter alia*, a web comprising fibers and superabsorbent material wherein the web loss experienced by the web when subjected to a Shakeout Test is a monotone nonincreasing function of the concentration of superabsorbent material in the web. Claim 39 is directed to, *inter alia*, a web comprising fibers and at least one superabsorbent material at least partially coated with the fibers, wherein individual bodies of the superabsorbent material have bonds with each other, with fibers that are coated upon other bodies of the superabsorbent material, or with a combination thereof, and the superabsorbent material comprises a composition that forms such bonds upon removal of a liquid contained in the superabsorbent material.

Assarsson is directed to superabsorbent particles that are coated with a fiber to form extremely small hydrogel composites or particles. These particles are small and designed to be able to passing through a 5 mesh screen (col. 5, lines 1 to 7). This indicates that the hydrogel composites of Assarsson are all less than or equal to 4 mm in size. The hydrogel particles are used with fibers in the formation of disposable personal care articles.

It is respectfully submitted that Assarsson fails to teach or suggest Applicants' claimed invention. Assarsson fails to teach or suggest Applicants' claimed invention as the hydrogel particles are coated and then dried ***before*** they are used. As set forth in columns 8 and 9, in all the processes used to form the hydrogel particles, the hydrogel was dried ***before*** formation into particles that were then used to form the composites of the claimed invention, as shown at col. 8 wherein the composites are passed through a 10 mesh screen before being formed into a web (col. 8, lines 66-68). As Applicants specifically claim that the webs are formed and then dried, Assarsson fails to teach or suggest Applicants' claimed invention. By drying after web formation, Applicants achieve the desired shake-out properties. As shown in Comparative Example 2 and Table 3 of Applicants' specification, webs formed with dried particles have much less desirable shake-out properties. Table 3 shows that for the present invention, the webs have a superabsorbent material content of at least about 60% by dry weight and the webs experience a web loss of less than about 9% when subjected to a Shakeout Test.

However, for webs made according to Assarsson (Comparative Example 2), the webs experience much higher losses of superabsorbent material, especially as the amount of superabsorbent material in the web is increased. This is caused by the fact that Assarsson dries their particles first (see, col. 8 lines 66-68) such that any resultant web would have undesirable shake-out properties. Accordingly, Assarsson teaches away from Applicants' claimed invention of not drying the superabsorbent until after web is formed, especially since the particles are simply placed into a matrix (col. 7, lines 36-41) which is what occurred in Comparative Example 2 (page 23, lines 30-31). Accordingly, it is respectfully submitted that Assarsson fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 1 is allowable over the art of record. Furthermore, since Claims 2-3, 6 and 8-13 recite additional claim features and depend from Claim 1, these claims are also allowable over the art of record. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 17-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,516,569 to Veith (hereafter "Veith"). This rejection is respectfully traversed.

Applicants' invention may be relied upon as above.

Veith is directed to absorbent composites including a web having a fibrous material and a particulate superabsorbent material.

It is respectfully submitted that Veith fails to teach or suggest Applicants' claimed invention. The Examiner relies upon a shake-out test provided in Veith to state that Veith allegedly teaches Applicants' claimed invention. However, Applicants have defined their test as set forth in the Examples and this test is not the same as the test Veith used and, as such, the shake-out values disclosed in Veith are not commensurate in scope with Applicants' claimed invention. In Veith, the samples are prepared such that if a tissue was used to form a sample, the tissue remains during the shake-out test and the sample is placed between the spunbond and the blotter layer. See, e.g. col. 13, lines 7-10 wherein, prior to shaking, the superabsorbent material is completely surrounded by tissue. However, as set forth in Applicants' test, if a tissue was used in making the composite, then the tissue is removed prior to running the test (page 18, lines 27-29). As such, in Veith, the tissue acts to hold a greater amount of superabsorbent particles in place such that a lower shake-out results than if the tissue had been removed. The tissue is needed in

Veith since the tissue is the main reason the superabsorbent does not shake-out since the superabsorbent particles are not attached to the web in the manner that Applicants' claimed superabsorbent particles are attached. By forming the web and then drying, the superabsorbent particles are better attached in Applicants' claimed invention and the tissue is not needed to reduce shake-out. As such, since Veith uses a different test for shake-out and since Veith fails to teach drying of the web after formation of the web, Veith fails to recognize, teach or suggest the advantages of drying the web after formation to reduce the shake-out of the superabsorbent without the need for a tissue. As such, it is respectfully submitted that Veith fails to teach or suggest Applicants' claimed invention.

Additionally, in regards to Claim 35, the examples in Veith show that as the amount of superabsorbent is increased, the level of shake-out also increases. This would be expected, especially since Veith attempts to minimize shake-out through use of the tissue, as described above, and not by forming a web and then drying, such that the superabsorbent is better connected to the web. However, as claimed in Claim 35, the amount of shake-out generally decreases as the amount of superabsorbent increases, and this aspect is not recognized, taught or suggested by Veith. Accordingly, it is respectfully submitted that Veith fails to teach or suggest Applicants' claimed invention.

Finally, in Veith, the amount of water located in the composite is much lower than in Applicants' claimed invention. In Veith, the maximum amount of water would be a composite having no fiber such that the composite would have 70% superabsorbent and 30% water, or a 0.43 g water/g superabsorbent. As previously amended, Claim 39 requires at least 0.5 g water/g superabsorbent. Therefore, Veith also fails to teach or suggest this aspect of Applicants' claimed invention. As such, it is respectfully submitted that Veith fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claims 17, 20, 24, 28, 35, 37 and 39 are allowable over the art of record. Furthermore, since Claims 18-19, 21-23, 25-27, 29-34, 36, 38, 40-45 and 47-52 recite additional claim features and depend from one of Claims 17, 20, 24, 28, 35, 37 and 39, these claims are also allowable over the art of record. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 4-5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Assarsson in view of U.S. Pat. No. 4,354,487 to Oczkowski (hereafter "Oczkowski"). This rejection is respectfully traversed.

Applicants' invention may be relied upon as above.

Applicants' discussion of Assarsson may be relied upon as above.

Oczkowski is directed to drying methods.

It is respectfully submitted that the combination of Assarsson and Oczkowski fails to teach or suggest Applicants' claimed invention. As previously set forth, Assarson fails to teach or suggest the formation of webs while the superabsorbent material contains a liquid that it has absorbed such that beneficial shake-out values are obtained with the resultant webs. It is respectfully submitted that Oczkowski fails to remedy these deficiencies as Oczkowski has no teaching at all to form webs and to dry a superabsorbent material after forming into the web, not before. As such, it is respectfully submitted that the combination of Assarsson and Oczkowski fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 1 is allowable over the art of record. Furthermore, since Claims 4-5 and 7 recite additional claim features and depend from Claim 1, these claims are also allowable over the art of record. Accordingly, Applicants respectfully request withdrawal of this rejection.

III. Conclusion:

For at least the reasons given above, Applicants respectfully submit that Claims 1-16, 28-29, 35-45 and 47-54 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

The foregoing is submitted as a full and complete Response to the Final Office Action mailed February 25, 2003, and early and favorable consideration of the claims is requested.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicants' representative at the telephone number listed below.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amendments in the Claims

In accordance with 37 C.F.R. 1.121(c), the following versions of the specification and claims as rewritten by the foregoing amendments show all changes made relative to the previous version of the specification and claims.

In the Claims:

Please cancel Claims 17-27 and 30-34 without prejudice or disclaimer.

Please amend the Claims as follows:

1. (Amended) A web comprising superabsorbent material and fibers wherein:

at least some of the fibers are coated onto the superabsorbent material prior to formation of the web,

the web is formed while the superabsorbent material contains a liquid that it has absorbed, and

at least some of the liquid absorbed in the superabsorbent material is removed after formation of the web;

wherein the web comprises a superabsorbent material content of at least about 60% by dry weight and the web experiences a web loss of less than about 9% when subjected to a Shakeout Test.

28. (Amended) A web comprising fibers and superabsorbent material, wherein the web comprises a superabsorbent material content of at least about 90% by dry weight and the web experiences a web loss of less than about [58%] 5% when subjected to a Shakeout Test.